

**Tennessee Department of Labor & Workforce Development  
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**2005 WORKERS' COMPENSATION LEGISLATIVE CHANGES**

This overview is general and does not include all workers' compensation legislation passed by the General Assembly. For a complete and detailed review of this information and all workers' compensation bills introduced in this legislative session, please go to [www.legislature.state.tn.us](http://www.legislature.state.tn.us).

**MAXIMUM & MINIMUM BENEFIT CHANGES**

*Temporary Benefits* – The maximum weekly benefit rate for injuries occurring July 1, 2005 through June 30, 2006 is 110% of the state's average weekly wage, \$729.00.

*Permanent Benefits* – The maximum weekly benefit rate for injuries occurring July 1, 2005 through June 30, 2006 is 100% of the state's average weekly wage, \$663.00.

*Minimum Weekly Benefit* – The minimum weekly benefit rate for injuries occurring July 1, 2005 through June 30, 2006 for both temporary and permanent benefits is \$99.45.

**APPROVAL OF ATTORNEY FEES**

For the year beginning July 1, 2005 and ending June 30, 2006 the adjusted threshold amount for attorney fees subject to review/approval by the Commissioner of Labor and Workforce Development is \$13,987.33.

**MEDICAL FEE SCHEDULE**

The Medical Fee Schedule was created as a part of the 2004 Workers' Compensation Reform Act. It is comprehensive in nature and shall apply to all health care providers involved in the treatment of a Tennessee workers' compensation injury where the date of service is on or after July 1, 2005. All penalties associated with the Medical Fee Schedule are delayed until January 1, 2006.

**CHIROPRACTOR**

The requirement for a chiropractor to be included on a panel for back injuries has been made permanent and a provision for more than twelve (12) visits upon approval of the self-insured employer or carrier has been added.

## **MEDICAL CARE & COST CONTAINMENT COMMITTEE**

The Medical Care & Cost Containment Committee will increase to fifteen (15) members, with the addition of a representative from the Tennessee Chiropractic Association.

## **DRUG FREE WORKPLACE**

The alcohol limit is reduced to 0.08% to correspond with federal law. The Medical Review Officer may now contact employee regarding a positive screen by verbal, fax, or electronic notification in addition to written notice. The law is clarified as to how the Tennessee Department of Commerce & Insurance applies Drug Free Workplace credits where employer has multiple companies under one policy.

## **STATUTE OF LIMITATION**

The distinction between statute of limitation rights for claimants receiving voluntary payment of benefits as opposed to payment of benefits pursuant to a Workers' Compensation Specialist's order is eliminated. In addition, protection is now provided for claimants from accidentally missing the statute of limitation when receiving benefits pursuant to a Workers' Compensation Specialist order.

## **SECOND INJURY FUND**

A provision is created in which the ability to serve the Second Injury Fund can be notified of potential liability for the limited purpose of requiring participation in the Benefit Review Conference process. Additionally, the date for eliminating Part B claims against the Second Injury Fund is delayed until July 1, 2006.

## **SAFETY COMMITTEE**

The trigger to require an employer to establish a safety committee is changed from a modification factor in the top 25% to a modification factor of 1.20 or greater.